

ORDINANCE NO. 9-13

**AN ORDINANCE AMENDING IDENTIFIED SECTIONS AND REPEALING SECTION 4-115(A)(5) OF THE FORT SMITH MUNICIPAL CODE TO AUTHORIZE CERTAIN CHANGES AND ADDITIONAL REGULATIONS PERTAINING TO DOMESTIC ANIMALS**

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**BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:**

**SECTION 1:** The definition of “secure enclosure” in Section 4-1 of the Fort Smith Municipal code is amended by deleting the following:

5. Is capable of preventing the unauthorized entry of the general public, including children.

**SECTION 2:** The definition of “secure enclosure” in Section 4-1 of the Fort Smith Municipal Code is amended to add the following:

5. Is capable by electronic or similar means of restricting a dog to the owner’s property.

**SECTION 3:** The first two sentences of Section 4-36 of the Fort Smith Municipal Code are condensed into one sentence and amended to read as follows:

The City-approved animal impound facility shall keep all impounded animals, except felines, for a period of five (5) days from the date of impounding; the maximum hold period for felines will be three (3) calendar days for domestic felines, and one (1) calendar day for feral felines; and, during the period of impoundment, the city-approved animal impoundment facility shall notify or make diligent effort to notify the owner of such impounding, and of the proposed destruction or sale of the animal.

**SECTION 4:** Section 4-90 of the Fort Smith Municipal Code is amended to read as follows:

It shall be unlawful for any person or pet shop or kennel to sell any animal to any person who is less than eighteen (18) years of age.

**SECTION 5:** Section 4-115(a)(5) of the Fort Smith Municipal Code is repealed.

**SECTION 6:** The first two sentences of Section 4-116 of the Fort Smith Municipal Code are amended and condensed into one sentence to read as follows:

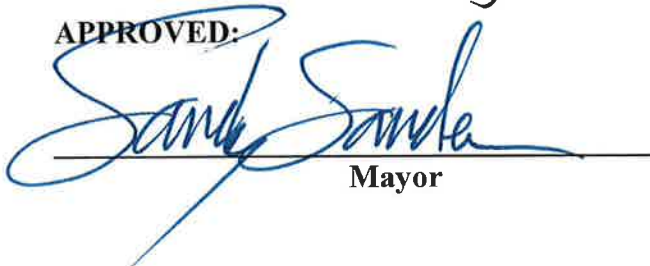
It shall be unlawful for any dog owner to allow his/her dog to run at large, as defined in Section 4-1, within the corporate city limits.

**SECTION 7:** Section 4-122 of the Fort Smith Municipal Code is amended by adding the phrase “on the public streets” so that the first sentence shall read, in part, as follows: “When transporting an animal in an open air vehicle or truck bed on the public streets. . . .”


**SECTION 8: Emergency Clause.** It is hereby determined that the provisions of this Ordinance should be immediately effective in order to provide for the regulation of animals within the City. Therefore, an emergency is declared to exist, and this Ordinance, being necessary for the protection of the health, safety and welfare of the inhabitants of the City, shall be of full force and effect from the date of its adoption.

PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF February, 2013.

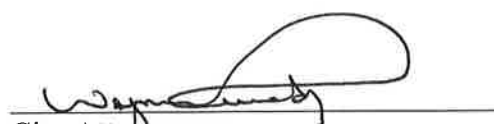
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

Approved as to form:

  
City Attorney  
Publish One Time